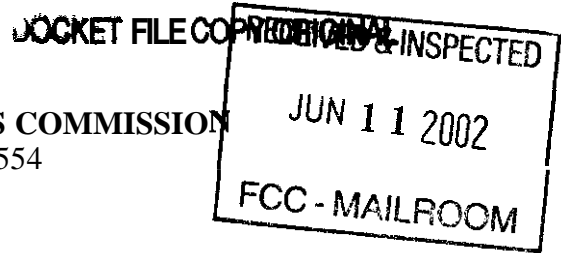


Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554



In the Matter of)
)
Progeny LMS, LLC) RM-10403
)
Amendment of Part 90 of the Commission's)
Rules Governing the Location and)
Monitoring Service to Provide Greater Flexibility)

REPLY COMMENTS OF RICOCHET NETWORKS, INC.

Ricochet Networks, **Inc. ("RNI")** the owner of the Ricochet Technology, continues to oppose the Petition for Rulemaking filed by Progeny LMS, LLC, and files this Reply to the Comments submitted belatedly by Warren C. Havens and Telesaurus Holdings GB, LLC ("Telesaurus"). While not before the Commission at this time, Telesaurus foreshadows a petition in which it will request what, if granted, would be one of the greatest regulatory arbitrages in history. Telesaurus' proposal would provide it the ability to extort payment from all operators who desired to continue to operate within the band but who would be obliged to pay Telesaurus to utilize its commercial license. Part 15 operators have rested their business on the Commission's previous pronouncements that it promulgated the Part 15 and LMS rules so that current and future providers of advanced services in the 902-928 MHz spectrum would have the stability necessary to invest and innovate within the band, with the assurance of this Commission that such innovation would be rewarded.

Because Telesaurus' draconian proposal to eliminate all unlicensed spectrum in the 900 MHz band by 2005 is not currently before the Commission, however, RNI will

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not in this proceeding respond. RNI only notes that Telesaurus' petition demonstrates the upheaval and chaos that opening up once again the LMS rules for revision would create. So, too, RNI does not take this opportunity to comment on Telesaurus' quibbles with Progeny's interpretation of certain FCC rules. Irrespective of the interpretation, it does not warrant opening up a rulemaking docket and consequently disturbing the stability created by this Commission when it established the rules at issue in Progeny's petition.

RNI does, however, take strong issue with Telesaurus' statement that Part 15 devices "do not need the longer-range propagation characteristics of 900 MHz, but operate very well in the 2.4 and 5 GHz **ISM** bands" Telesaurus Comments at 16. To the contrary, it is the propagation characteristics of the 900 MHz band that allow the Ricochet technology to offer mobility to end users, including those using its services for public safety applications. Unlike the propagation characteristics of the **2.4** and 5 GHz ISM bands, data transmitted from a modem to a pole top radio in the 900 MHz band can penetrate a building's walls, glass or tree leaves. This, in turn, allows end users the ability to utilize the same modem inside and outside of buildings throughout the coverage area of the Ricochet Network. RNI has no plans to, nor can it under existing technology, "migrate" to the exclusive use of 2.4 and **5** GHz bands.

RNI also takes strong exception to Telesaurus' unsubstantiated and erroneous assertion that the FCC did not contemplate that Part 15 users would operate a wide-area **network** similar to the Ricochet Network when it promulgated the safe harbor rule. To the contrary, the record in Docket No. 93-61 is replete with information provided by Metricom regarding the manner in which its Ricochet network was designed and

implemented. It included, by necessity, the fact that the pole top radios would be installed in relative close proximity and that the network would reach large portions of the municipal areas where it was deployed.

As long as any Part 15 device, moreover, operates within the ~~Part~~ 15 safe harbor, it will not create undue interference with an LMS device. Even if the Part 15 device is in close proximity to an LMS antenna, for example, the Part 15 device either will be frequency hopping, in which case it only emits on a narrow portion of the band at any one time, or will be direct sequence, in which case it emits even low power levels over a wider section of spectrum. At worst, the co-existing systems may cause each other occasional packet re-transmits, which is required even through environmentally caused data loss (e.g., fading, multi-path interference).

Respectfully submitted,

Ricochet Networks, Inc.

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June 3, 2002

Its Attorney

CERTIFICATE OF SERVICE

I, Kathleen Eberhart, hereby certify that a true and correct copy of the foregoing Reply Comments of Ricochet Networks, Inc. was sent this 3rd day of June 2002 via first class mail, postage prepaid, to the following:

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A handwritten signature in black ink, reading "Kathleen Eberhart", written over a horizontal line.

Kathleen Eberhart